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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/668,004	09/21/2000	David L. Adams	3339 P 007	8314
24573	7590	10/13/2004	EXAMINER	
BELL, BOYD & LLOYD, LLC			HIRL, JOSEPH P	
PO BOX 1135			ART UNIT	
CHICAGO, IL 60690-1135			PAPER NUMBER	
			2121	

DATE MAILED: 10/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/668,004

Applicant(s)

ADAMS ET AL.

Examiner

Joseph P. Hirl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 and 26-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 and 26-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to an AMENDMENT entered July 26, 2004 for the patent application 09/688,004 filed on September 21, 2000.
2. The First Office Action of February 23, 2004 is fully incorporated into this Final Office Action by reference.

Status of Claims

3. Claims 24, 26 and 28-30 are amended. Claim 25 was cancelled. Claims 1-24, and 26-30 are pending.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The practical application test requires that a useful, concrete and tangible result be accomplished. Claims 1-30 represent abstract methodology and therefore are intangible. The consequence is non-statutory. MPEP 2106 applies. Tangibility requires embodiment in the technological arts.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 8-16 and 30 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The term "effect force" was not identified in the specification.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 2-4, 21, 22, and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2, 3, 4

The terms "reflect a state of mind", "reflect a personality" and a "desire to buy" are expansive in meaning and renders the respective claim indefinite.

Claim 21

The term "more difficult" is a relative term and renders the claim indefinite.

Claim 22

Claim 22 is confusing. Does the character actually have a learner trait value and a competitor trait value...two values for the character? Is the learner competing with itself? The learner is supposed to be the user. If the learner is the user, how can the character have the learner's trait value? How does the learner attempt to raise the learner trait value if the character has the learner trait value? Who is the competitor? How can a competitor raise the competitor trait value if such value belongs to the character? Following such uncertainty, the claim is indefinite.

Claim 23

The confusion of claim 23 follows from claim 22. How does the competitor trait level raise in the face of a learner trait value, both duly assigned to the character? Following such uncertainty, the claim is indefinite.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Kleindienst et al (U.S. Patent 6,658,388).

Claim 1

Kleindienst anticipates providing a simulation interface through a simulation software code, wherein the character appears within the simulation interface (Kleindienst, c 11, l 9-24; Examiner's Note (EN); Kleindienst character appears within the conversational form of an interface); providing a data storage area for storing at least one trait of the character, the at least one trait having a trait value (Kleindienst, c 11, l 9-24; c 1, l 33-43; EN: traits and attributes are synonymous); communicating possible statements and/or actions through the simulation interface to the learner (Kleindienst, c 11, l 9-24; c 1, l 33-43); receiving from the learner a chosen statement or action from the possible statements and/or actions (Kleindienst, c 1, l 44-62); responding to the statement or action chosen by the learner by providing a character response by the character, wherein the character response provided is determined by the trait value of the at least one trait (Kleindienst, c 1, l 44-62); and, generating new possible statements and/or actions for the learner contained within the data storage area (Kleindienst, c 11, l 9-24; c 1, l 33-62).

Claim 2

Kleindienst anticipates the data storage area stores a plurality of character traits which together reflect a state of mind of the character (Kleindienst, c 1, l 44-62).

Claim 3

Kleindienst anticipates the data storage area stores a plurality of character traits which together reflect a personality of the character (**Kleindienst**, c 2, l 37-43).

Claim 4

Kleindienst anticipates wherein the at least one character trait is a desire to buy a product or a service (**Kleindienst**, c 2, l 37-43; EN: para 2 applies; to one of ordinary skill in the art, the desire to buy a product or service is initiated by a need; happiness is fulfilled when needs are fulfilled: Kleindienst teaches happiness at c 4, l 42-45).

Claim 5

Kleindienst anticipates the data storage area is a dynamic data model (**Kleindienst**, c 2, l 44-50; c 3, l 15-31; EN: the data is constantly undergoing change as the emotion levels change).

Claim 6

Kleindienst anticipates the dynamic data model is independent of the simulation software code (**Kleindienst**, c 2, l 44-50; c 3, l 15-31; EN: para 2 above applies; to one of ordinary skill in the art, the simulation software code is developed is not data and therefore is independent or different).

Claim 7

Kleindienst anticipates the trait value of the at least one trait is calculated by adding a previous trait value with a trait change value for the at least one trait (**Kleindienst**, c 2, l 29-31).

Claim 8

Kleindienst anticipates the trait change value for the at least one trait is calculated by adding a previous trait change value with an effect force (**Kleindienst**, c 2, l 29-31).

Claim 9

Kleindienst anticipates wherein the effect force is determined by whether the learner has selected a neutral statement or action (**Kleindienst**, c 2, l 29-31; EN: personality is determined quantitatively),

Claim 10

Kleindienst anticipates the effect force is determined by whether the learner has identified a problem (**Kleindienst**, c 2, l 29-31; EN: personality is determined quantitatively and changes as a function of the user interface).

Claim 11

Kleindienst anticipates the effect force is determined by whether the learner has identified a solution (**Kleindienst**, c 2, l 29-31; EN: personality is determined quantitatively and changes as a function of the user interface).

Claim 12

Kleindienst anticipates the effect force is determined by whether the learner has identified a solution after the learner has met a problem threshold value (**Kleindienst**, c 4, l 6-67; c 5, l 16-67; EN: personality is determined quantitatively and changes as a function of the user interface).

Claim 13

Kleindienst anticipates the effect force is determined by whether the learner has identified a correct answer (**Kleindienst**, c 4, l 6-67; c 5, l 16-67; EN: personality is determined quantitatively and changes as a function of the user interface).

Claim 14

Kleindienst anticipates the effect force is determined by whether the learner has identified an incorrect answer (**Kleindienst**, c 4, l 6-67; c 5, l 16-67; EN: personality is determined quantitatively and changes as a function of the user interface).

Claim 15

Kleindienst anticipates the respective effect force depends on at least one predetermined value that is selectable by a designer (**Kleindienst**, c 13, claim 10).

Claim 16

Kleindienst anticipates the effect force is determined by a decay (**Kleindienst**, c 9, l 26-30).

Claim 17

Kleindienst anticipates the decay is negative when the learner has positively impacted the trait value (**Kleindienst**, c 10, l 9-14; EN: para 2 applies; to one of ordinary skill in the art, a positive impact is when there is no negative impact to the stimuli).

Claim 18

Kleindienst anticipates the decay is positive when the learner has negatively impacted the trait value (**Kleindienst**, c 9, l 62-67; EN: para 2 applies; to one of ordinary skill in the art, a negative impact is when there an impact to the stimuli).

Claim 19

Kleindienst anticipates wherein the decay has a rate and direction that are selectable by a designer (**Kleindienst**, c 10, l 37-51; c 9, l 46-47; EN: the decay rate is alpha and the direction depends on emotion function used).

Claim 20

Kleindienst anticipates the trait value has a minimum trait value, a maximum trait value, and a default trait value (**Kleindienst**, c 6, l 65-67; c 9, l 41-50).

Claim 21

Kleindienst anticipates the trait value has a minimum limit threshold value and a maximum limit threshold value, wherein it becomes more difficult for the learner to have a trait value that reaches the minimum trait value once the trait value reaches the minimum limit threshold, and wherein it becomes more difficult for the learner to have a trait value that reaches the maximum trait value once the trait value reaches the maximum limit threshold (**Kleindienst**, c 9, l 41-50; EN: to one of ordinary skill in the art, once a maximum or minimum is reached, it is axiomatic that a boundary condition has been reached).

Claim 22

Kleindienst anticipates the character has a learner trait value and a competitor trait value, and wherein the learner competes with a competitor, the learner attempting to raise the learner trait value and the competitor attempting to raise the competitor trait value of the character (**Kleindienst**, c 9, l 41-67; EN: as noted above, this claim is uncertain; for sure Kleindienst teaches personality changes).

Claim 23

Kleindienst anticipates when the competitor trait value raises, the learner trait value is negatively affected (**Kleindienst**, c 9, l 41-67; EN: as noted above; this claim follows claim 23 and is uncertain; for sure Kleindienst teaches personality changes and both growing and dissipating emotions).

Claim 24

Kleindienst anticipates at least one trait has at least one of a rate of change and a direction of change (**Kleindienst**, c 9, l 41-50).

Claim 26

Kleindienst anticipates the rate of change has a minimum, a maximum, and a default value (**Kleindienst**, c 9, l 62-67; c 10, l 1-18).

Claim 27

Kleindienst anticipates providing a data storage area for storing at least one trait of the character, the at least one trait having a trait value (**Kleindienst**, c 9, l 62-67; c 5, l 16-28); receiving from the learner a chosen statement or action (**Kleindienst**, c 1, l 33-43); responding to the statement or action chosen by the learner by providing a

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character response by the character, wherein the character response provided is determined by the trait value of the at least one trait (**Kleindienst**, c 1, I 33-62).

Claim 28

Kleindienst anticipates a data storage area for storing at least one trait of the character, the at least one trait having a trait value (**Kleindienst**, c 9, I 62-67; c 5, I 16-28); a first code segment for receiving from the learner a chosen statement or action (**Kleindienst**, c 1, I 33-43; c 2, I 44-49); a second code segment responding to the statement or action chosen by the learner received in the first code segment by providing a character response by the character, wherein the character response provided is determined by the trait value of the at least one trait (**Kleindienst**, c 1, I 33-62).

Claims 29, 30

Kleindienst anticipates providing character trait data structure editing software (**Kleindienst**, c 1, I 33-43; c 2, I 44-49); creating a data structure including creating a set of initial values for the character trait, a set of personalization variables for the character that cause the character to respond to selections of the learner according to a predetermined procedure, and a set of effect values for use within the calculation of a trait value for the character trait in response to the selections of the learner (**Kleindienst**, c 1, I 33-43; c 2, I 44-49; EN: Kleindienst's teachings).

Response to Arguments

11. The objection to the abstract is withdrawn.
12. The objection to claim 26 under 37 CFR 1.75(c) is withdrawn.
13. The rejection to claims 1-30 under 35 USC 101 remains.

In reference to Applicant's argument:

Claims 1-30 were rejected under 35 U.S.C. §101 as the claims are allegedly directed to non-statutory subject matter due to the assertion they represent abstract methodology and are, therefore, intangible. The Applicants respectfully traverse this rejection for the following reasons.

Applicants recognize that the practical application test requires that a useful, concrete and tangible result be accomplished. Such a result is indeed believed to be found in claims 1-30. Specifically, the claimed method of independent claim 1 generates a list of new possible statements and/or actions in response to the received statement or action chosen by the learner to make from the statements contained within the dynamic data model. Such a list of possible statements is indeed a useful, concrete and tangible result, not an abstraction, and, thus, this claim does not run afoul of the requirement of 35 U.S.C. § 101. Additionally, method claim 27 features "providing a character response" in response to a statement or action chosen by the learner. Again, this is not an abstraction, but a concrete result. Thus, this claim is believed to contain statutory subject matter. Method claim 29 features "creating a data structure comprising a set of initial values...", which is indeed a concrete and tangible result. Moreover, the claimed systems of independent claims 28 and 30 include claimed tangible elements such as data storage areas, code segments, and data structures. These, again, are not abstractions, but concrete and tangible things and these claims are indeed statutory subject matter. Accordingly, the Applicants respectfully request reconsideration and withdrawal of this rejection.

Examiner's response:

The applicant is encourage to review MPEP 2106 wherein tangibility requires embodiment in the technical arts. Further, data storage areas, code segments and data structures unto themselves do not qualify as tangibly embodied in the technical arts. Such examples can be implemented using pencil and paper.

14. The rejection of claims 1-30 under 35 USC 112, first paragraph, as related to the rejection under 35 USC 101, is withdrawn.
15. The rejection of claims 8-16 and 30 under USC 112, first paragraph, remains.

In reference to Applicant's argument:

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Claims 8-16, and 30 were further rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the enablement requirement. Specifically, the Office Action alleges that the specification does not identify the term "effect force." Applicants respectfully traverse this rejection and submit that the concept of "force" is discussed, for example, on page 19, lines 15-27. In this section of the specification, the concept of "force" is essentially described as the increasing of values that effect character trait changes, such as toward maximum or minimum value, analogous to how physical force effects change in physical matter is an example of the enablement of this claim term in the original specification. Thus, the Applicants respectfully submit that one of ordinary skill in the art would understand and be enabled to make or use the claimed elements including the term "effect force."

Examiner's response:

Para 20 applies. The claims and only the claims form the metes and bounds of the invention. Applicant has admitted that "effect force" is not described in the specification.

16. The rejection of claims 2-4, and 21-23 under 35 USC 112, second paragraph, remains. The rejection of claims 26, 29 and 30 under 35 USC 112, second paragraph, is withdrawn.

In reference to Applicant's argument:

Claims 2-4, 21-23, 26, 29, and 30 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Applicants respectfully traverse this rejection based on the following reasons.

With respect to claims 2-4, the terms "state of mind", "reflect a personality", and "desire to buy" are alleged to be expansive in meaning and thus making the claim indefinite. The Applicants respectfully disagree and submit that these terms are definite when analyzed in light of the content of the specification (See M.P.E.P. §2173.02). In particular, page 17, lines 3-22 describe these terms such that a person of ordinary skill in the art could interpret the metes and bounds of the claims so as to understand how to avoid infringement. For example, the "desire to buy" is described in connection with a quantitative formula to determine this character trait. Accordingly, the Applicants request reconsideration and withdrawal of the rejection of these claims.

Claim 21 is rejected due to the assertion that the use of the term "more difficult" is a relative term and, thus, indefinite. The Applicants respectfully disagree and contend that terms of degree do not automatically render a claim indefinite (See M.P.E.P. §2173.05(b)). In this case, one of ordinary skill in the art would understand what is being claimed, i.e., that dampening or resistance to change of character traits is imposed. Additionally, the specification provides guidance on what this term means on page 19, lines 20-28. Accordingly, the Applicants request reconsideration and withdrawal of the rejection of this claim.

Examiner's response:

Para 20. The claims and only the claims form the metes and bounds of the invention. Limitations appearing in the specification but not recited in the claim are not read into the claim.

In reference to Applicant's argument:

Claims 22 and 23 are rejected due an apparent misunderstanding or misreading of the claim language and the teachings of the specification. The Applicants respectfully disagree and submit that this claim is indeed definite. In particular, the character can have associated with it both learner and competitor traits when a designer desires to introduce competition is the simulation (See pg. 20, lines 11-15 of the present application). As clearly claimed and described in the specification, the learner competes with the competitor. Thus, the learner and competitor (e.g., the computer) compete to increase their respective input that shapes the character (i.e., increase their respective trait values attached to the character). The Applicants submit that a close reading of the claim and specification reveal that this claim is indeed definite and request withdrawal of the rejection.

Examiner's response:

Para 20. The claims and only the claims form the metes and bounds of the invention. If, as the applicant admits, a close reading is required, then the claim is indefinite.

17. Applicant's arguments filed on July 26, 2004 related to Claims 1-30 rejected under 35 USC 102(e) have been fully considered but are not persuasive.

In reference to Applicant's argument:

The Office Action asserts that Kleindienst et al. discloses all of the elements of independent claim 1. The Applicants respectfully disagree. Claim 1 features, for example, "responding to the statement or action chosen by the learner by providing a character response by the character, wherein the character response provided is determined by the trait value of the at least one trait." The Office Action asserted that column 1, lines 44-62 disclosed this claimed element. This is incorrect. This cited section merely refers to personality attributes that are selectable by a user for a conversational system. These are only settable attributes adapted according to a user preference (See col. 1, l 49-55). In contrast, claim 1 features an education simulation where traits are represented by trait values and responses of the character are then determined by the value of at least one trait. This is not merely a setting by a user, but rather a "value" (i.e., a number) that is used in the simulation to determine how the simulation will respond to inputs. The system of Kleindienst et al. will only perform as preselected by a user according to what personality, emotions and initiative they choose, and will continue to operate according to those settings. No values for traits are used or needed.

Additionally, Kleindienst et al. does not teach the claimed element of "generating new possible statements and/or actions for the learner contained within the data storage area." The cited sections allegedly in support of showing this element in Kleindienst et al. actually only teach that method/system disclosed

operates according to the program of instructions executed by the machine. No possible new statement and/or actions are actually generated. Rather, the emotion level is merely incremented or decremented.

Examiner's response:

Para 20 applies. The claims and only the claims form the metes and bounds of the invention. Application dependent attributes would include trait values (Kleindienst, c 1, l 51-52). First Office Action applies. Generating new possible statements and/or actions would include "growing emotions" (Kleindienst, c 11, l 19).

Examination Considerations

18. The claims and only the claims form the metes and bounds of the invention. "Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, l 45-48; p 2100-9, c 1, l 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

19. Examiner's Notes are provided to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are

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entirely consistent with the intent and spirit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but a link to prior art that one of ordinary skill in the art would find inherently appropriate.

20. Examiner's Opinion: Paras 18. and 19. apply. The claims and only the claims form the metes and bounds of the invention. Limitations appearing in the specification but not recited in the claim are not read into the claim. The Examiner has full latitude to interpret each claim in the broadest reasonable sense.

Conclusion

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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22. Claims 1-24, and 26-30 are rejected.

Correspondence Information

Any inquiry concerning this information or related to the subject disclosure should be directed to the Examiner, Joseph P. Hirl, whose telephone number is (703) 305-1668. The Examiner can be reached on Monday – Thursday from 6:00 a.m. to 4:30 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Anthony Knight can be reached at (703) 308-3179.

Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks,

Washington, D. C. 20231;

or faxed to:

(703) 746-7239 (for formal communications intended for entry);

or faxed to:

(703) 746-7290 (for informal or draft communications with notation of "Proposed" or "Draft" for the desk of the Examiner).

Note: During the last two weeks of October 2004, Art Unit 2121 will move to Carlyle, Randolph Building, 5th floor and my phone and fax number will change to: 571-

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272-3685 and 571-273-3685, respectively. Similarly, Anthony Knight's phone and fax numbers will change to: 571-272-3687 and 571-273-3687.



Joseph P. Hirl

October 6, 2004



Anthony Knight
Supervisory Patent Examiner
Group 3600